



COURT/GENERAL ASSEMBLY ATTENDANCE

FC No.: 1221

Date: 07-29-05

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

Department personnel will appear when summoned to court or in the event a court appearance is required from the issuance of a citation by an officer, unless otherwise excused as stated herein.

II. Notification to Officers

A. Criminal Cases

- 1. The appropriate court liaison officer will disseminate each subpoena received from the court to the affected employee's district or unit.
- 2. The district/unit commander, or designee, will forward the subpoena to the employee's supervisor for service. Each supervisor will maintain a record reflecting the date that the employee received the subpoena.
- 3. Supervisors will personally serve juvenile court subpoenas on officers under their command. Supervisors will provide a copy to the officer and forward the served original to the court liaison officer via inter-office mail. (CALEA 74.1.2)

- 4. If an officer will not be available for a scheduled court date, the officer's supervisor will promptly make a copy of the subpoena, note the reason for the officer's non-availability on it, and send it to the appropriate court liaison officer.
- 5. Court liaison officers will notify the appropriate court or State's Attorney of the officer's non-availability.

B. Traffic Cases

- 1. Traffic court dockets will be sent to the districts by the District Court and will be distributed in the same manner as criminal subpoenas.
- 2. District Court will not grant continuances once traffic cases are scheduled. If an officer cannot appear for any reason, the district/unit commander must authorize the officer's absence, realizing that the cases set for trial will be dismissed.
- 3. An officer's advance traffic date can be changed by the court liaison officer provided 90 days written notice is given and no cases have already been scheduled for the court date in question.

C. State's Attorney Conference and Grand Jury Hearings

- 1. The State's Attorney Liaison will notify the employee's district/unit commander, or designee, of upcoming conferences/hearings.
- 2. The district/unit commander, or designee, will complete an MCP 1201, "State's Attorney Conference/Grand Jury Notification," and will forward the form to the employee's supervisor.
- 3. The supervisor will provide the employee with a copy of the MCP 1201. The supervisor will sign the original MCP 1201 and forward it to the Career Criminal Unit.
- 4. Completed MCP 1201 forms will be maintained at the Career Criminal Unit for six months. After that time, they may be destroyed.
- 5. In the event an employee is unable to attend a conference or hearing, the employee will notify the State's Attorney's

Office at (240) 777-7300 as soon as practicable.

III. Officers' Responsibilities

- A. Officers will remain in attendance until all of their cases are resolved, or the presiding Judge, State's Attorney, or court liaison officer has excused them.
- B. Prior to the court date, officers will review any reports or other files to be familiar with the evidence. If an officer has a question concerning the facts in a case, it should be discussed with the State's Attorney prior to the court date.
- C. Officers will bring all necessary evidence, records, and/or reports, including the officers' copies of traffic citations, to court on the trial date.
- D. If an officer is unable to appear for any reason, the appropriate liaison officer and the officer's supervisor should be notified as soon as possible. Phone and pager numbers are available at the district stations.
- E. Officers should notify the court liaison officer if they are scheduled in more than one courtroom at the same time. The court liaison officer will resolve any conflicts.
- F. Officers should notify the appropriate court liaison officer using an MCP 18, "Court Attendance Report," if they are going to be on vacation, in training, etc., and unavailable for criminal court. Court scheduling cannot be controlled by the court liaison officers, but information can be given to the State's Attorney's Office for consideration.

IV. Personal Appearance

- A. When an officer appears in court or before the Grand Jury, proper dress and demeanor project a professional image to the public and may serve to lend more credibility to an officer's testimony. All personnel, regardless of assignment and duty status, will wear either the uniform of the day or appropriate business attire (e.g., suits/sport coats with shirt and tie, dress, or pants suit) when appearing in court.
 - 1. Uniform officers will wear the uniform of the day or business attire. ***When the long***

sleeve uniform shirt is worn, a tie will also be worn.

Note: Officers wearing the bike uniform must be assigned bike duty on the day of court.

- 2. Investigative, SAT, Tactical, and other non-uniform personnel will wear business attire.
- B. Officers appearing in business attire shall keep their weapons concealed. Officers appearing in the uniform of the day will wear the full uniform, not a partial uniform with an off-duty holster, etc.
- C. **Non-Official Court Attendance**
All officers are prohibited from wearing the uniform or any part thereof while attending a civil or criminal proceeding or administrative hearing as a party, witness, or advocate if the conduct or action giving rise to the officer's attendance at the hearing does not flow from the exercise of the officer's official duties.
- V. **Cancellation of Court Appearance**
 - A. The State's Attorney's Office, in consultation with the court liaison officers, will review court dockets to determine the necessity of officers appearing for court cases. The court liaison officers are authorized to act as an agent for the State's Attorney's Office in excusing officers from appearing. This determination is based on information from the trial attorney and will supersede any notice from other employees of the State's Attorney's Office.

B. **Court Cancellation Phone Line**

- 1. ***Information regarding the cancellation of court appearances will be posted at the below numbers as of 1800 hours on the weekday preceding the scheduled court appearance. Officers scheduled to appear in District Court for criminal/incarcerable traffic offenses are required to phone the recorded message to learn if their case has been cancelled.***
 - a. 800-773-0272
 - b. 240-773-9696***The recording will be updated as of 1800 hours on the weekday preceding the scheduled court appearance. (FOP Contract, Article 10)***
- 2. ***If the message line states that a case has been cancelled and the officer appears in***

court for that case, the officer will not be paid in accordance with the court overtime provisions.

3. *If the message line is inoperative, the officers will report for court as scheduled and be compensated in accordance with the court overtime provisions.*

C. **E-Mail Notification**

When excused from court, officers will be notified through their county e-mail addresses by 1800 hours on the weekday preceding the scheduled court appearance.

VI. **Testifying Before the General Assembly**

Whenever an employee is going to testify before the Maryland General Assembly, the employee's unit/district commander will ensure that the Legal and Labor Relations Division, at (240) 773-5026, and the county's Office of Intergovernmental Relations, at (240) 777-6550, are notified at least one week prior to the date of the scheduled testimony. The Office of Intergovernmental Relations is the department's legislative liaison in Annapolis and is responsible for tracking the department's written and oral positions on the various bills.

VII. **Montgomery County Judicial Center Security**

- A. Armed law enforcement officers will be granted admittance to the Judicial Center and permitted to bypass entry screening under the following circumstances:
 1. An officer in official department uniform:
 - a. Is certified as a police officer, or deputy sheriff, in accordance with ***Public Safety Article, Section 3-201***, of the Annotated Code of Maryland.
 - b. Is entering the Judicial Center for official departmental business.
 2. An officer not in uniform will adhere to the above in addition to:
 - a. Displaying official agency photo credentials to the guard at the entry screening station.
 - b. Agreeing to wear the lapel pin of the day.
- B. Armed law enforcement officers who do not meet the above criteria will be required to check their weapon at the entry screening

station. Lockboxes will be available for securing weapons at each screening station.

- C. In instances where the officer is the defendant in a case or the case is civil in nature and does not pertain to the officer's official duties, an armed law enforcement officer will not be granted admittance to the Judicial Center unless the officer checks the weapon at the entry screening station. This includes any domestic relations case, jury duty, etc.
- D. In the event of instances requiring special arrangements, officers are to contact the on-duty Sheriff's supervisor at (240) 777-7000 prior to arrival at court.

VIII. **Anne Arundel Circuit Courthouse Security**

- A. Armed police officers will not be granted entry into the courthouse unless they are on official government business.
- B. Armed plainclothes police officers on official business must display credentials/badge on the upper-left area of the outermost garment at all times while in the courthouse. If a need to avoid public identification exists, the officer may request a lapel pin to be worn in lieu of credentials or a badge.
- C. The deputies at the security checkpoint will be immediately notified of firearms and/or ammunition brought into the courthouse as evidence. Firearms must be rendered safe through the use of an outside object (e.g., flex cuff, triggerlock). To ensure the integrity of the chain of custody, it is strongly suggested that the firearm be rendered safe before bringing it into the courthouse. If the firearm must be rendered safe when brought in, a deputy will provide the necessary materials to do this. To maintain the chain of custody, the deputy will not touch or handle the weapon. Any firearm being introduced as evidence in the court will be inspected by a deputy prior to being handled by anyone in the courtroom.
- D. Ammunition to be brought into the courthouse as evidence must be contained in a separate bag or package.

IX. **Rockville Courthouse Parking**

- A. When parking for longer than one hour in Rockville, vehicles are to be parked on the top

floor of the Council Office Building (COB)
parking garage.

- B. ***Officers must follow all on-street parking regulations.*** Officers are not permitted to park in any of the no parking zones.

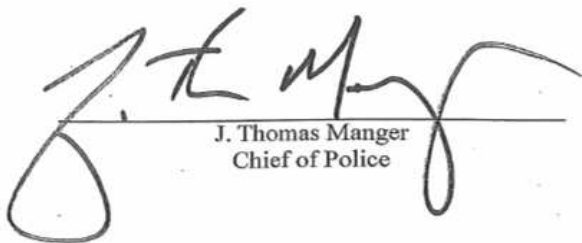
X. Subpoenas for Reports/Records

- A. Officers who receive subpoenas (Subpoena Duces Tecum) to produce reports, records, testimony, etc., for civil or criminal cases shall, upon receipt, send a copy of the subpoena to the Police Legal Advisor and call that office at (240) 773-5004.
- B. The Police Legal Advisor will determine what information may be divulged and, on occasion, will appear in court and at depositions if warranted.

XI. Proponent Unit: FSB and ISB Administrations

XI. Cancellation

This directive cancels Function Code 1221, effective date 11-14-00.



J. Thomas Manger
Chief of Police